

QUINCENTENNIAL OF CORPS OF  
SURVEYORS OF PUERTO RICO

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. ROMERO-BARCELÓ. Mr. Speaker, in 1996, the Institute of Surveyors from the College of Engineers and Surveyors of Puerto Rico [CIAPR] and the Puerto Rican Association of Surveyors will celebrate the 150th anniversary of the enactment of the law which created the Corps of Puerto Rican Surveyors. On January 1, 1846, Mr. Rafael Aristegui, Count of Marisol and Governor of Puerto Rico, signed this historic law which was one of the first laws that regulated land development in Puerto Rico and which also established the professional responsibilities of surveyors in Puerto Rico. Since that time, Puerto Rican surveyors have played a significant role in the development of the Island.

Mr. Speaker, as the Congressional Representative of Puerto Rico, it is my pleasure to pay tribute to all Puerto Rican surveyors who have helped define the land development of the island, as well as build their profession into a widely recognized one with a solid reputation. I extend my thanks and appreciation and congratulate those surveyors who today continue in the tradition of their ancestors. Mr. Speaker, I know that you and all our colleagues join me in wishing all surveyors in Puerto Rico continued success in the years ahead.

INTRODUCING THE WORKPLACE  
FAIRNESS ACT OF 1996

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. BILBRAY. Mr. Speaker, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act prohibit discrimination in employment because of race, color, religion, sex, national origin, age, and disability. I believe that we must begin to explore ways to look beyond the traditional model of combatting discrimination, which is currently accomplished by protecting a class or category of people. Instead, we must begin to pass laws which protect the individual from discrimination. A person's singular worth and merit should be the yardstick we measure by, rather than a person's behavior or characteristics which attach them to a group. If we predicate discrimination law on distinctions between groups or categories, we negate the original intention of protecting against discrimination itself.

Therefore, I am introducing the Workplace Fairness Act of 1996, which will effectively prohibit discrimination on any basis other than an employee's individual merit. Instead of continuing a piecemeal approach to discrimination law by adding special categories to those now protected under title VII of the Civil Rights Act, my legislation ensures that the only factors which employers may consider are those pertaining to job performance. While this may be considered a radical approach to employment law, it is only fair that all employees are duly

protected under the law, and not subject to being fired for arbitrary reasons. Without a legislative remedy such as this, Congress is going to be faced with the dilemma of adding special categories to those already protected under title VII of the Civil Rights Act, every time it is believed that a certain class is being unjustly treated. This is no laughing matter, Mr. Speaker, but will left-handed people be added to the list next? What about red-headed people? Under current law, such cases could indeed be made. Let us consider the logical evolution and consequence of this approach.

Specifically, the Workplace Fairness Act prohibits discrimination in a blanket fashion, rather than establishing newly protected classes in addition to those which already exist. It does so by establishing that employers shall not subject any employee to different standards or treatment in connection with employment or employment opportunities on any basis other than that of factors pertaining to job performance. My legislation defines factors pertaining to job performance, which include employment history, ability and willingness to comply with performance requirements—including attendance and procedures—of the job in question, educational background, drug and alcohol use which may adversely affect job performance, criminal records, and conflicts of interest.

The Workplace Fairness Act establishes that merit is the sole criterion for consideration in job applications or interviews, hiring decisions, advancement, compensation, job training, or any other term, condition or privilege of employment. Additionally, those currently protected under title VII of the Civil Rights Act will still be able to seek redress upon enactment of the Workplace Fairness Act, as my legislation avails existing title VII remedies to any individual discriminated against under my bill. My legislation also exempts religious organizations, prohibits the establishment of quotas on any basis other than factors pertaining to job performance, and specifically does not invalidate or limit the rights, remedies or procedures available under any other existing Federal, State, or local law to persons claiming discrimination.

Under the Workplace Fairness Act, employers and employees will still be allowed to enter into an alternate dispute resolution agreed upon before the term of employment begins, just as under current law. Further, the existing Federal statute in rule 11 of the Federal Rule of Civil Procedure states that if a frivolous lawsuit is filed by the plaintiff, the employee or prospective employee, than the court may rule that the plaintiff may pay the legal expenses of the defendant—the employer. Additionally, rule 68 of the Federal Rule of Civil Procedure is enforced in civil rights cases such as those that would be brought about under the Workplace Fairness Act. Rule 68 states that the fee burden can be shifted from the employer to the employee, if the employee files a frivolous claim, or if the employer is found to not be at fault.

While my legislation will clarify once and for all the civil rights of all Americans, it still gives employers adequate flexibility in determining who they wish to hire, and ensures that they provide just cause for termination that is unrelated to job performance. Discrimination law should mirror the goal which it is intended to embody. Our laws should reflect a standard governed by individual merit, not by an individ-

ual's relation to a defined group. The image of a discrimination-free society is undermined by a society whose laws supercede the value of those they are intended to protect: the individual. I urge my colleagues to cosponsor my legislation, and build upon our past successes by creating a new model to combat discrimination in America.

HONORING WILLIAM GRAHAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. ENGEL. Mr. Speaker, William Graham has been helping others since his days in the U.S. Army when he served as chief social work specialist in Fort Dix. After leaving the Army he continued in social work in New York City where he is currently supervisor of intake for non-secure detention for the Department of Juvenile Justice.

In his community he is president of the Bronx-Westchester Livingstone College Alumni Association, treasurer of the trustees board and member of the Board of Stewards of the Metropolitan African Methodist Episcopal Zion Church, treasurer for the Runyon Heights Men's Club Church and a member of the National Association for the Advancement of Colored People. He has been a celebrity chef for the YWCA for 9 consecutive years contributing greatly to the success of that program. He and his wife have a daughter. He has truly earned the title "Man of the Year" from the YMCA.

CONGRATULATIONS RICHARD GEE  
ON INDUCTION INTO THE NEW-  
ARK ATHLETIC HALL OF FAME

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me great pride to inform my colleagues of the induction of my cousin, Richard Gee, into the ninth annual Newark Athletic Hall of Fame. I am especially proud of Rick's swimming prowess because he was taught by his mother, my Aunt Rosie. Rick was great high school varsity basketball material, however, he chose swimming as his competitive sport.

During Rick's high school career he was an outstanding freestyle swimmer. After his graduation from Newark's Central High School in 1952, Rick attended Howard University on a swimming scholarship.

He was cocaptain of the Howard University swim team in his sophomore, junior, and senior years. He won 12 Central Intercollegiate Athletic Association [CIAA] championships. Rick also won the Outstanding Individual Swimming Award in 1954, 1955, and 1956. In his senior year, Rick was named the winner of the White Blazer Award, Howard's highest athletic award.

After graduation from college, Rick joined the U.S. Army where he continued his swimming career. In 1958, he won three freestyle championships for the Army.

Rick has been a member of the U.S. Master Swimming Association since 1985. He is listed